

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CRIMINAL): AC  
CASE NO: 502016AP900010AXXXMB  
L.T. NO: 502014MM012688AXXXNB

ASHLEY YEAGER-FISCHER,  
Appellant,

v.

STATE OF FLORIDA,  
Appellee.

\_\_\_\_\_  
Opinion filed:

AUG 03 2017

Appeal from the County Court in and for Palm Beach County,  
Judge Daliah Weiss.

For Appellant: Nancy Jack, Esq., Office of the Public Defender  
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For Appellee: Michael Scott Del Sontro, Esq., Office of the State Attorney  
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PER CURIAM.

Appellant Ashley Yeager-Fischer appeals her conviction of one count of Battery and further challenges the costs imposed by the trial court as a result. We affirm Appellant's Battery conviction without comment, but reverse on the costs issue.

After adjudicating Appellant guilty, the trial court imposed \$704.00 in "Criminal Domestic Violence/Rape Crisis Costs" pursuant to sections 938.08 and 938.085, Florida Statutes (2014), which require a "surcharge" be imposed when a defendant is adjudicated guilty of

violating section 784.03, Florida Statutes. Under these two statutes, the total amount to be imposed for a single violation of section 748.03 is \$352.00. Both the State and Appellant agree that the \$704.00 in costs reflects the two counts of Battery with which Appellant was charged, not the one count of Battery on which she was actually convicted.

We therefore REVERSE the trial court's Order Assessing Additional Charges, Costs and Fines and Entering Judgment, and REMAND this case to the trial court with instructions to enter a new order reflecting the proper \$352.00 sanction.

AFFIRMED in part and REVERSED in part.

FEUER, KELLEY, and CARACUZZO, JJ., concur.

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Opinion/Decision filed: AUG 03 2017

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Appeal from County Court in and for  
Palm Beach County, Florida;  
Judge Daliah Weiss

STATE OF FLORIDA,  
Appellee.

Appealed: February 5, 2016

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DATE OF PANEL: JULY 17, 2017

PANEL JUDGES: FEUER, KELLEY, CARACUZZO

AFFIRMED/REVERSED/OTHER: AFFIRM/REVERSE

PER CURIAM OPINION/DECISION BY: PER CURIAM

CONCURRING:	)	DISSENTING:	)	CONCURRING SPECIALLY:	)
	)	With/Without Opinion	)	With/Without Opinion	)
8/2/17 <i>Caracuzzo</i>	)		)		)
DATE: J.	)	J.	)	J.	)
8/3/17 <i>Z</i>	)		)		)
DATE: J.	)	J.	)	J.	)
<i>h/v</i> 9/3/17	)		)		)
DATE: J.	)	J.	)	J.	)